

Subject to and without waiving the objections set forth above, Teck Cominco responds as follows with respect to the following requests for admissions, requests for production, and interrogatories:

REQUEST FOR ADMISSION NO. 223: Please admit that Teck Cominco did not challenge its NPDES Permit No. AK-003865-2, for the Mine Site, issued by EPA on July 29, 1998 and effective August 28, 1998, including the transmittal letter from Philip G. Millam, EPA, dated July 29, 1998, under 33 U.S.C. § 1369(b)(1).

RESPONSE: Teck Cominco objects to Request for Admission No. 223 to the extent this request for admission assumes that Teck Cominco had an ability to challenge any portion of NPDES Permit No. AK-003865-2 it found objectionable, including permit condition I.A.6, entitled "Cyanide Monitoring." In some instances, such as the cyanide testing requirement, EPA had no choice but to include this requirement because it is based on a state water quality standard that, by law, EPA was required to include in the permit. Any challenge by Teck Cominco of that provision in the permit would have only resulted in a finding that EPA had no ability to change the permit. Teck Cominco's only recourse was to get the State of Alaska to change the state water quality standard. Teck Cominco had been working diligently since at least 1993 to get the State of Alaska to revise its state water quality standards to substitute a different cyanide testing method for the total cyanide testing method set out in NPDES Permit No. AK-003865-2. The State of

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Alaska (as well as a number of other states) has recently changed the state water quality standards to require the WAD cyanide method of testing rather than the total cyanide method of testing for compliance with the aquatic life criterion. Subject to this objection, Teck Cominco admits Request for Admission No. 223.

REQUEST FOR PRODUCTION NO. 123: If your response to Request for Admission No. 223 above was anything other than an unqualified admission, please produce all documents which refer or relate to any fact upon which your response was based.

RESPONSE: Please see response to Request for Production No. 126 below. Teck Cominco is in the process of identifying additional documents, including correspondence and other communications with ADEC regarding efforts to modify the water quality standard as described above. These will be produced.

REQUEST FOR ADMISSION NO. 224: Please admit that Teck Cominco did not challenge its NPDES Permit No. AK-004064-9, for the Port Site, issued by EPA on December 23, 1998 and effective on January 29, 1999, including the transmittal letter from Randall F. Smith, EPA, dated December 24, 1998, under 33 U.S.C. § 1369(b)(1).

RESPONSE: Admitted.

REQUEST FOR PRODUCTION NO. 124: If your response to Request for Admission No. 224 above was anything other than an unqualified admission, please produce all documents which refer or relate to any fact upon which your response was

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